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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AULISTAR MARK, HANCHEN LU, ANDREW
HUDSON, and DAVID MATTHEWS, Individually
and on Behalf of All Others Similarly Situated,

Plaintiff,

-against-

GAWKER MEDIA LLC, and NICK DENTON,

Defendants.
----- X

No. 13 Civ. 04347 (AJN) (SN)
ECF CASE

**STIPULATION OF
DISMISSAL
WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel, that pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), all of the claims asserted by Plaintiff David Matthews in this action, including any claims for costs or attorneys' fees, are hereby dismissed with prejudice and without costs or attorneys' fees to any party. Plaintiff David Matthews hereby: withdraws his consent to join this case as a plaintiff; opts out of any plaintiff class hereafter certified pursuant to Fed. R. Civ. P. 23; and dismisses all of his claims as set forth in the Complaint. Plaintiff Matthews has made a voluntary decision, free from any coercion, to dismiss his claims with prejudice and to discontinue his participation in this action. Plaintiff Matthews acknowledges that by doing so he is giving up any right to recovery under the Fair Labor Standards Act ("FLSA") and New York law, including claims for liquidated damages, costs, and attorneys' fees.

In many circumstances, an action under the FLSA cannot be discontinued without judicial approval. *See, e.g., D.A. Schulte, Inc. v. Gangi*, 328 U.S. 108 (1946); *Brooklyn Savings Bank v. O'Neil*, 324 U.S. 697 (1945). To ensure the permanent release and dismissal of

his claims, therefore, plaintiff Matthews respectfully requests that the Court approve his request that all claims he asserts herein be dismissed with prejudice.

Dated: March 24, 2014
New York, New York

Dated: March 24, 2014
Boston, Massachusetts

LIDDLE & ROBINSON, L.L.P.

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SO ORDERED: ^{3/28/14}



U.S.D.J.